

that the article had been shipped in interstate commerce within the period from on or about July 5 to on or about July 11, 1940, by the Yorkshire Creamery Co. from Bruce, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance which rendered it unfit for food.

On September 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**726. Adulteration and misbranding of butter. U. S. v. 3 Cartons and 29½ Boxes of Butter. Decrees of condemnation. Portion of product ordered destroyed; remainder ordered released under bond. (F. D. C. Nos. 3013, 3031. Sample Nos. 2682-E, 33377-E.)**

Samples taken from one shipment of this product were found to contain mold and those taken from the other were found to be deficient in milk fat.

On or about September 5 and September 9, 1940, the United States attorneys for the District of Massachusetts and the District of Connecticut filed libels against 3 cartons of butter at Worcester, Mass., and 29½ boxes of butter at New Haven, Conn., alleging that the article had been shipped in interstate commerce by the Cudahy Packing Co. from Sioux City, Iowa, on or about August 14 and August 30, 1940; and charging that it was adulterated and that one shipment was also misbranded. The article was labeled in part: "Daisy Maid Brand Creamery Butter" or "Daisy Butter."

The lot seized at Worcester, Mass., was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

The lot seized at New Haven, Conn., was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It also was alleged to be misbranded in that the statement on the label "Butter" was false and misleading.

On September 30, 1940, no claimant having appeared for the lot seized at Worcester, Mass., judgment of condemnation was entered and the said lot was ordered destroyed. On September 23, 1940, the Cudahy Packing Co., having appeared as claimant for the butter seized at New Haven, Conn., and having admitted the allegations of the libel, judgment of condemnation was entered and the product seized in that district was ordered released under bond conditioned that it be brought into compliance with the law.

**727. Adulteration of packing stock butter. U. S. v. 1 Drum of Packing Stock Butter. Default decree of condemnation and destruction. (F. D. C. No. 2680. Sample No. 28438-E.)**

Samples of this product were found to contain various types of filth such as maggots, cow hairs, rodent hairs, insects, fragments of insects, and nondescript dirt.

On August 22, 1940, the United States attorney for the District of Maryland filed a libel against 1 drum of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 13, 1940, by J. W. Bell from Shelby, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and was otherwise unfit for food.

On October 3, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**728. Adulteration and misbranding of butter. U. S. v. 28, 117, and 62 Pounds of Creamery Butter. Default decree of condemnation and destruction. (F. D. C. No. 1738. Sample Nos. 4231-E, 4232-E, 4233-E.)**

This product was short weight and one lot was deficient in milk fat.

On March 26, 1940, the United States attorney for the Northern District of Indiana filed a libel against 207 pounds of creamery butter at Hammond, Ind., alleging that the article had been shipped in interstate commerce on or about March 8 and 15, 1940, by Byrnes & Schuhmann, Inc., from Chicago, Ill., to Byrnes & Schuhmann, Inc., at Hammond, Ind.; and charging that it was misbranded and that one lot was also adulterated. It was labeled in part: "Murphy Brand Butter \* \* \* Distributed by Murphy Butter & Egg Co. Chicago, Ill."; or "Sweet Clover Creamery Butter \* \* \* Murphy Butter & Egg Co. Chicago, Illinois."

One lot (20 pounds) was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted or abstracted from the article and in that a substance containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

All lots were alleged to be misbranded in that the statements in the labeling, "One Pound Net" or "1 Pound Net," were false and misleading in that they were not correct. They were alleged to be misbranded further in that the article was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On June 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**729. Misbranding of butter. U. S. v. Turner Creamery Co. Plea of guilty. Fine, \$50.** (F. D. C. No. 2993. Sample No. 5405-E.)

This product was short weight.

On August 7, 1940, the United States attorney for the Southern District of Indiana filed an information against the Turner Creamery Co., a corporation, Paoli, Ind., alleging shipment on or about March 26, 1940, from the State of Indiana into the State of Kentucky, of a quantity of butter which was misbranded. It was labeled in part: (Wrapper) "Roll Gold Brand \* \* \* 1 Lb. Net."

It was alleged to be misbranded in that the statement "1 Lb. Net" was false and misleading since each of the wrappers did not contain 1 pound net of butter but did contain a less amount. It was alleged to be misbranded further in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents in terms of weight.

On September 26, 1940, a plea of guilty was entered on behalf of the defendant and a fine of \$50 was imposed.

Nos. 730 to 732, inclusive, report the institution of criminal proceedings based on shipments of butter which contained less than 80 percent by weight of milk fat. (The act of Congress defining butter and providing a standard therefor, which is made applicable to the provisions of this act, requires that butter shall contain not less than 80 percent by weight of milk fat.)

**730. Adulteration of butter. U. S. v. Barrett Cooperative Creamery Co. Plea of guilty. Fine, \$75.** (F. D. C. No. 959. Sample Nos. 85834-D, 10308-E, 10333-E.)

On August 14, 1940, the United States attorney for the District of Minnesota filed an information against the Barrett Cooperative Creamery Co., a corporation, at Barrett, Minn., alleging shipment within the period from on or about December 26, 1939, to on or about March 19, 1940, from the State of Minnesota into the State of New York, of quantities of butter which was adulterated. It was labeled in part: "Distributed by Gude Bros. Kieffer Co. \* \* \* New York."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On August 14, 1940, a plea of guilty was entered on behalf of the defendant and a fine of \$75 was imposed.

**731. Adulteration of butter. U. S. v. Isaly's Creamery Products, Inc. Plea of guilty. Fine, \$25 and costs.** (F. D. C. No. 962. Sample Nos. 51851-D, 69774-D.)

On July 15, 1940, the United States attorney for the Northern District of Indiana filed an information against Isaly's Creamery Products, Inc., Ft. Wayne, Ind., alleging shipment on or about August 12 and 19, 1939, from the State of Indiana into the State of Pennsylvania of quantities of butter that was adulterated.

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On August 27, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 with costs.

**732. Adulteration of butter. U. S. v. Leo J. Jacobsen (The Roberts Creamery). Plea of nolo contendere. Fine, \$500.** (F. D. C. No. 938. Sample No. 74419-D.)

On March 30, 1940, the United States attorney for the Western District of Wisconsin filed an information against Leo J. Jacobsen, trading as the Roberts Creamery at Roberts, Wis., alleging shipment on or about December 7, 1939, from the State of Wisconsin into the State of Minnesota, of a quantity of butter which was adulterated.